

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION**

McAllen Grace Brethren Church, et al.,

Plaintiffs,

v.

Case No. 7:07-cv-60

**Ken Salazar, Secretary of the
Department of the Interior**

Defendant.

DECLARATION OF DION K. KILLSBACK

I, Dion K. Killsback, do hereby state as follows:

1. I am a Counselor to the Acting Assistant Secretary – Indian Affairs, in the Office of the Assistant Secretary – Indian Affairs, within the Department of the Interior (Department), which has responsibility for matters arising out of Indian relations with the United States.
2. As a Counselor to the Acting Assistant Secretary – Indian Affairs, I advise the Acting Assistant Secretary – Indian Affairs on various matters including federal acknowledgement of Indian tribes and eagle feather use and possession policy of Indian Affairs.
3. The Acting Assistant Secretary – Indian Affairs oversees several offices, including the Office of Federal Acknowledgment (OFA). The Acting Assistant Secretary – Indian Affairs also oversees the Director of the Bureau of Indian Affairs (BIA).
4. The Director of the BIA oversees the Office of Justice Services, the Office of Indian Services, the Office of Trust Services, and the Deputy Director of Field Operations.
5. The BIA implements federal laws and policies and provides funding to and administers government program services for the 566 federally recognized American Indian and Alaska

Native tribes, and through these federally recognized tribes to their approximately 2.3 million members.

6. Generally, an American Indian or Alaska Native person is someone who has blood degree from and is recognized as such by a federally recognized tribe or village (as an enrolled tribal member) and/or the United States. Blood quantum (the degree of American Indian or Alaska Native blood from a federally recognized tribe or village that a person possesses) is not the only means by which a person is considered to be an American Indian or Alaska Native. Other factors, such as a person's knowledge of his or her tribe's culture, history, language, religion, familial kinships, and how strongly a person identifies himself or herself as American Indian or Alaska Native, are also important. There is no single federal or tribal criterion or standard that establishes a person's identity as American Indian or Alaska Native.

7. There are major differences, however, when the term "American Indian" is used in an ethnological sense versus its use in a political and legal sense. The protections, services, and benefits provided by the United States to individual American Indians and Alaska Natives flow not from a person's identity as such in an ethnological sense, but because he or she is a member of a federally recognized tribe.

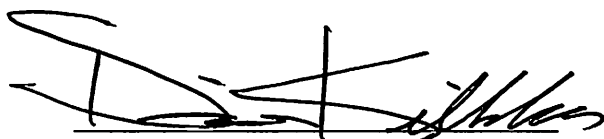
8. Since 1979, the BIA has regularly published a list of federally recognized tribes in the *Federal Register*. This list is published pursuant to the Federally Recognized Indian Tribe List Act of 1994. 108 Stat. 4791, 4792. The most recent list, published in October 2010, listed 565 federally recognized tribes – 340 in the contiguous United States and 225 in Alaska. 75 Fed. Reg. 60810 (Oct. 1, 2010); supplemented by 75 Fed. Reg. 66124 (Oct. 27, 2010). In addition, on January 3, 2012, the Department reaffirmed the Tejon Indian Tribe of California's federal recognition, making it the 566th federally recognized tribe.

9. The United States recognizes and maintains relationships with federally recognized tribes as political entities that have inherent sovereign powers of self-governance. This recognition is the basis for the special legal and political relationship, including the government-to-government relationship, established between the United States and federally recognized tribes, pursuant to which the United States supports, protects, and promotes tribal governmental authority over a broad range of internal and territorial affairs.

10. Federally recognized tribes are entitled to certain immunities and privileges by virtue of their government-to-government relationship with the United States. Furthermore, Congress has enacted multiple statutes that establish and define a trust relationship between the United States and federally recognized tribes and their members. Federal recognition of tribal status is a prerequisite to receiving the services provided by the BIA and establishes tribal status for all federal purposes.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge.

Executed in Washington, DC on May/8, 2012.

A handwritten signature in black ink, appearing to read 'Dion K. Killsback', is written over a horizontal line.

Dion K. Killsback
Counselor to the Acting Assistant Secretary – Indian Affairs
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